

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

GARY COWELL, : Civil Action No. 10-6782(PG)

Petitioner, :
v. : ORDER TO ANSWER

ROY L. HENDRICKS, et al., :
Respondents. :

Petitioner having filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241; and

Petitioner having paid the \$5 filing fee;

IT IS on this 22 day of February, 2011,

ORDERED that the Clerk of the Court shall serve copies of the Petition, this Order, and all other documents docketed in this matter upon Respondents by certified mail, return receipt requested, with all costs of service advanced by the United States; and it is further

ORDERED that the Clerk of the Court shall forward, electronically or by regular mail, a copy of the Petition, this Order, and all other documents docketed in this matter to the Chief, Civil Division, United States Attorney's Office, 970 Broad Street, Room 700, Newark, NJ 07102; and it is further

ORDERED that, in accordance with Rule 4 of the Rules Governing Section 2254 Cases, applicable to § 2241 cases through Rule 1(b), this Court has examined the Petition and determined

that dismissal prior to submission of an answer and the record is not warranted; and it is further

ORDERED that, within 30 days after the date of entry of this Order, Respondents shall electronically file a full and complete answer to said Petition, which responds to the factual and legal allegations of the Petition paragraph by paragraph; and it is further

ORDERED that the answer shall state the statutory authority for Petitioner's detention, see 28 U.S.C. § 2243; and it is further

ORDERED that Respondents shall raise by way of the answer any appropriate defenses which Respondents wish to have the Court consider, including, but not limited to, exhaustion of administrative remedies, and also including, with respect to the asserted defenses, relevant legal arguments with citations to appropriate legal authority; and it is further

ORDERED that Respondents shall electronically file with the answer certified copies of the administrative record and all other documents relevant to Petitioner's claims; and it is further

ORDERED that all attachments to the Answer must be identified by name in the electronic filing entry, for example, "Attachment #1 Transcript of (type of proceeding) held on

XX/XX/XXXX," or "Attachment #2 Opinion entered on XX/XX/XXXX by Judge XXXX"; and it is further

ORDERED that Petitioner may file and serve a reply in support of the Petition within 30 days after the answer is filed; and it is further

ORDERED that, within 7 days after any change in Petitioner's custody status, be it release or otherwise, Respondents shall electronically file a written notice of the same with the Clerk of the Court; and it is further

ORDERED that the Clerk of the Court shall serve this Order on Petitioner by regular mail.

2/22/11

Peter M Phalen
Peter G. Sheridan
United States District Judge